

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

OP.No. 24399 of 2000(D)

PETITIONER:

M.MOHAN DAS,
STORE ACCOUNTANT,
DISTRICT POLICE OFFICE,
PALAKKAD.

BY ADV. SRI.K.R.RAGHUNATH

RESPONDENTS:

1. STATE OF KERALA REP. BY ITS CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.
2. DEPUTY INSPECTOR GENERAL OF POLICE(ADMINISTRATION),
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.
3. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.
4. THE DISTRICT SUPERINTENDENT OF POLICE, PALAKKAD.

BY GOVERNMENT PLEADER SMT.T.B.REMANI.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.41261 OF 2000 IN O.P.No.24399 OF 2000-D

DISMISSED.

24-5-2007.

SD/-THOTTATHIL B. RADHAKRISHNAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1- TRUE COPY OF THE PROCEEDINGS NO.M1/557/2000 DT.11-7-2000.

EXT.P2- TRUE COPY OF THE TRANSFER NO.DGO NO.568/2000.

EXT.P3- TRUE COPY OF THE REQUEST.

EXT.P4- TRUE COPY OF GOVT. LETTER NO.33837/H2/2000/HOME DT.14-7-2000.

-TRUE COPY-

P.S.TO JUDGE.

THOTTATHIL B. RADHAKRISHNAN, J.

= = = = =

O.P.No.24399 of 2000-D

= = = = =

Dated this the 24th day of May, 2007.

JUDGMENT

Petitioner was promoted as Junior Superintendent and posted to a particular office on 11-7-2000. He requested the Superintendent of Police, to be relieved on 24-7-2000. He made Ext.P3 seeking to be relieved. However, stating no reasons whatsoever, the Government issued Ext.P4 staying the promotion of the petitioner.

2. This Court, by order dated 5-9-2000 on C.M.P.No.41261/2000, directed that the petitioner be relieved in terms of Ext.P2 to join duty as Junior Superintendent, the post to which he was promoted. That situation continues as of now.

3. No counter-affidavit is placed on record.

4. Having perused the pleadings and documents, I am satisfied that the impugned order is cryptic. It

states no reasons. That apart, an order of promotion of an incumbent in service is not a matter to be interfered with merely on the objections raised by a trade union, more so, having regard to the fundamental principle that any Government servant aggrieved by any promotion given to any other Government servant would be entitled to agitate his personal rights. Individual promotions are not matters of class litigation or issues to be raised by trade unions.

5. Having regard to the totality of the facts and circumstances, I find that the issuance of the impugned order is baseless and cannot be sustained.

In the result, this writ petition is allowed quashing the impugned Ext.P4. No costs.

Sd/-

**THOTTATHIL B. RADHAKRISHNAN,
JUDGE.**

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

= = = = =

O.P.No.24399 of 2000-D

= = = = =

JUDGMENT

Dated: 24th May, 2007.